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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY ECL DEPUTY

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| **UNITED STATES OF AMERICA,** | Magistrate Docket No. |
| Plaintiff, | '08 MJ 2693 |
| v. | COMPLAINT FOR VIOLATION OF: |
| **Lamberto Tomas MARIN-Caballero,** | Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |
| Defendant | |

The undersigned complainant, being duly sworn, states:

On or about **August 29, 2008,** within the Southern District of California, defendant, **Lamberto Tomas MARIN-Caballero,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF **SEPTEMBER, 2008.**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

DOA
8/29/08
ECL

**CONTINUATION OF COMPLAINT:**
**Lamberto Tomas MARIN-Caballero**

## PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On August 29, 2008, Supervisory Border Patrol Agent A. Santa Ana was performing assigned line-watch duties in the Imperial Beach Area of Operations at an area known as "Hazzard County." "Hazzard County" is an area approximately three miles west of the San Ysidro Port of Entry and approximately fifty to one hundred yards north of the United States/Mexico International Boundary. Due to its proximity to the International Boundary and surrounding conveyances, "Hazzard County" is an area notoriously used by aliens to further their illegal entrance.

At approximately 5:50 P.M., Agent Santa Ana was operating his Agency issued vehicle on Monument Road, directly parallel to "Hazzard County." Agent Santa Ana observed two individuals with dirty clothing begin to cross Monument Road from the south. Due to the time of day, proximity to the International Boundary, and the fact that the area is known for furtherance of illegal entries, Agent Santa Ana approached the individuals and identified himself as a United States Border Patrol Agent. One of the individuals later identified as the defendant **Lamberto Tomas MARIN-Caballero**, immediately absconded. Ignoring Agent Santa Ana verbal commands to stop, he continued running east through "Hazzard County." Agent Santa Ana was forced to give foot pursuit and eventually apprehended the defendant. After returning the defendant to his vehicle, Agent Santa Ana conducted an immigration inspection, questioning both individuals as to their citizenships and nationalities. Both individuals, including the defendant, admitted to being citizens and nationals of Mexico not in possession of any documentation enabling/permitting them to enter and/or remain in the United States legally. At approximately 6:00 P.M., Agent Santa Ana arrested both individuals, including the defendant for illegal entry into the United States. Both individuals were next transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 14, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

**Executed on August 30, 2008 at 9:30 A.M.**

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **one** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **August 29, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

8/30/08 - 11:53 AM
Date/Time